

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 30, 2006

D047748 In re Valerie A., a Juvenile

The judgment is reversed and the case remanded to the trial court with directions to conduct a new permanency planning hearing pursuant to section 366.26. At that hearing the court shall permit the presentation of evidence relevant to the issue of the sibling relationship between the children in this case and their sibling Adriana. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D047662 In re Carlos A., a Juvenile

The order is affirmed. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

D048372 In re Wallach on Habeas Corpus

The petition is denied.

D048277 In re Wallach on Habeas Corpus

The petition is denied.

D048374 In re Wallach on Habeas Corpus

The petition is denied.

D048241 In re Wallach on Habeas Corpus

The petition is denied.

D047386 People v. Holland

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., McIntyre, J.

**D048206 Roman R. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The petition is denied. Nares, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D046130 People v. Hamo

The petition for rehearing is denied.

D048329 Stephens v. Superior Court of San Diego/Vegas et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 31, 2006

D047846 In re Alexandra H., a Minor

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Nares, J.

D047227 People v. Smeltzer

The judgment is affirmed. Irion, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

D047398 People v. Wilcox

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Irion, J.

D046774 San Diego County Deputy Sheriff's Association et al. v. County of San Diego

The judgment is reversed as to the award of statutory penalties and attorneys' fees to the plaintiffs and is otherwise affirmed. Each party shall bear its own costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D048520 Toa M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Toa M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048459 Natividad R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorneys for petitioners Natividad R. and Juan T. have notified the court that petitions for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 1, 2006

D046366 Allan v. East Elliott Property Owners Association

The judgment is reversed with directions to the trial court to vacate its order granting the petition to order the election, and to issue a new order providing for appropriate further proceedings, which may include applications to amend the petition or to file a cross-action, in order to more fully address the Association membership issues as they affect the authority of the existing board. The requests for judicial notice are denied. The stay issued on June 9, 2005 shall remain in effect until this opinion becomes final and the remittitur has been issued. Each party shall bear its own costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D047747 In re M. M. et al, Juveniles

The juvenile court's jurisdictional and dispositional orders are affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D048433 Losse v. Superior Court of San Diego County/Ellery

Enforcement of the subpoena and order for Dr. Losse to testify at the arbitration is stayed pending further order of this court.

D046961 Kacha v. Allstate Insurance Company

We reverse the judgment and direct the trial court on remand to enter an order granting Kacha's petition and vacating the appraisal award. Kacha is entitled to costs on appeal. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D048586 Torres et al. v. City of San Diego et al.

Respondent Torres' motion to dismiss the appeal filed on May 15, 2006, and appellant's opposition filed on May 30, 2006, have been read and considered by Presiding Justice McConnell and Associate Justices Nares and McIntyre. The appeal is dismissed as untimely.

D048517 Toy v. Jeffrey E. Estes and Associates et al.

The appeal is dismissed as untimely.

D048467 Putrus v. Superior Court of San Diego County/ESG, LLC et al.

The petition is denied. The motion for an order to produce reporter's transcript is denied as moot.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 2, 2006

D046304 Crockett et al. v. Miller et al.

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D046705 People v. Lopez

The matter is remanded to redetermine the terms of probation only. In all other respects, the judgment is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D045795 Brook Hills Homeowners Association v. Bass et al.

The judgment is affirmed. The Bases to bear the Association's costs on appeal. The Association's request for attorney fees on appeal is to be determined by motion before the trial court. Haller, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 2, 2006 (Continued)

D046149 People v. Davis

We reverse Davis's convictions on counts 22 and 27. The People may, within 30 days after this decision is final, move to set the cause for retrial as to either or both of the charged violations of grand theft and receiving stolen property. If the People file a waiver of right to retry defendant on either or both charges or if the People fail to move for retrial within the 30 days, then the trial court shall reinstate Davis's conviction as to count 22 only, and shall render a judgment consistent with the reinstatement of that count 22 only, and shall render a judgment consistent with the reinstatement of that conviction.¹³ In all other respects, the judgment is affirmed.

¹³ See *Jaramillo, supra*, 16 Cal.3d at page 760 (reversing both theft and receiving convictions, but granting the People the option of waiving the right to retry in favor of reinstating conviction for violation of Veh. Code, § 10851 where the record reflected substantial evidence in support of an error-free conviction on that offense).

Aaron, J.; We Concur: McIntyre, Acting P.J., Irion, J

D048510 In re Bryant on Habeas Corpus

The petition is denied.

D046382 People v. Om

The judgment of conviction is affirmed, the sentence is vacated, and the matter is remanded for resentencing on counts 2, 3, 5, and 16. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D047232 NMSBPCSLDHB v. First Mortgage Corporation

The judgment is affirmed. First Mortgage shall recover its reasonable costs on appeal from NMSB. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D045887 Kozano etc. v. Scripps Clinic Medical Group Inc., et al.

Judgment reversed with directions to give Kozano leave to substitute the Scripps defendants as Does. Benke, Acting P.J.; We Concur: O'Rourke, J., Irion, J.